

REMARKS

I. INTRODUCTION

Upon entry of the present amendment, claims 1-8 and 10-19 will be pending in the present application. Claim 1 has been amended to recite a container, wherein the whole of the lower portion of the skirt is divided into at least two discrete peripheral sections that may be flipped between the raised and lowered configurations independently of each other. Support the amendments to claim 1 can be found, *inter alia*, in paragraphs , 6, 7, and 18, and in Figure 3 of the specification. No new matter has been added herein by the present amendment.

In view of the foregoing amendments and the following remarks, Applicants respectfully submit that the claims are now in condition for allowance. Applicants point out that the amendments made herein are made without prejudice to the future prosecution of such cancelled, amended or modified subject matter in a related divisional, continuation or continuation-in-part application.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-8 and 10-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by US 4,966,302 ("Hjordie"). Applicants respectfully submit that these anticipation rejections should be withdrawn for at least the following reasons.

Hjordie is directed to a snap locking device for a container with a cover. Hjordie describes a container including a skirt, only part of which can be raised and lowered to disengage from a container projection 5. As can be seen from Figure 4 of Hjordie, the skirt includes a reinforcing member 12 that cannot be flipped between raised and lowered configurations such that it is clear of projection 5 of the container.

Indeed, the reinforcing unit 12 enables the “effective, temporary closing and sealing of the cover” when the flippable flange 3 of the skirt is in the folded up state (see Hjordie, column 3, line 54 to column 4, line 2). That is, in Hjordie, part of the skirt is still in engagement with the container projection, and part of the skirt has been raised such that it is not in engagement with the container projection.

In contrast to the disclosure in Hjordie, the arrangement of the present invention, as currently defined in claim 1, includes the recitation of “wherein the whole of the lower portion of the skirt is divided into at least two discrete peripheral sections and that these sections may be flipped between the raised and lowered configurations independently of each other” (emphasis added). This can clearly be seen from Figure 3, in particular that all of the lower portion of the skirt can be flipped. It is the provision of being able to flip all of the sections of the lower portion of the cover skirt that enables it to be held clear of the associated projections on the container to facilitate its removal. The cited reference does not disclose this element of the currently claimed invention.

Although the container of Hjordie does include a skirt of which part can be raised and lowered, contrary to the Examiner’s assertions the lower portion of the skirt itself is not divided into sections that can all be raised and lowered, as is currently recited in the pending claims. Specifically, It is clear that the arrangement of the currently claimed invention differs from that described in Hjordie. Applicants submit that it is the term ‘divided’ which requires clarification and thereby providing that the currently claimed invention is distinguished from Hjordie, as the term would be understood and interpreted by the skilled artisan in view of the present invention. According to the Oxford English Dictionary, ‘divide’ is defined as to “separate or be

separated into parts". Considering the present invention, clearly it is the whole of the skirt that is divided (see Figure 3), as the skilled artisan would interpret the term 'divided'.

The lower portion of the skirt of Hjordie includes (as opposed to 'is divided into') two sections of lower skirt 3 which can be raised and lowered. Figure 4 shows that lower portion is in a folded up (raised) state where it can be clearly seen that flange 3' is engaged with the container. Flange 3' engages with locking edge 5 as the cover is secured onto the container and cannot be raised (see Hjordie, column 3 lines 46-50, Figures 1 and 4). Only part of the lower portion of Hjordie can therefore be raised and lowered with the flange 3' remains fixed. Hjordie does indeed describe a lower portion that is divided into sections. However, taking both the dictionary definition of divided, and how it should be interpreted in the context of the present invention, applicants submit that the lower portion of the skirt of Hjordie is not divided into at least two discrete peripheral sections that can be flipped between raised and lowered configurations as required in the currently claimed invention, in contrast, the lower portion of the skirt of Hjordie is divided into two sections that can be flipped and two sections that are fixed, i.e. cannot be flipped. For these reasons alone, applicants submit that Hjordie does not disclose all of the elements of the currently claimed invention.

Further, in regard to the arrangement of the present invention, by dividing the entire lower portion of the skirt, the cover of the present invention can be easily removed from the container without any resistance from part of the lower skirt which is still in engagement with the container. Once again, this is in contrast to the cover of Hjordie, wherein the reinforcing unit 12 resists removal of the cover when

the flippable flange 3 is in the folded up state (see Hjordie, column 3, line 54 to column 4, line 2). Indeed, it is the provision and utilization of the reinforcing unit 12 which forms the basis of the invention described in Hjordie. Thus, there is nothing to suggest or teach that this could be removed in order to allow all of the skirt to be raised and lowered.

Therefore, for at least the preceding reasons, it is respectfully submitted that the rejections of the claims under 35 U.S.C. § 102(b) have been overcome and should therefore be withdrawn.

III. CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance and request that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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